

REMARKS

The present response is filed in response to the restriction requirement mailed January 23, 2004.

In the Office Action, the Examiner has indicated there are 36 different species of the invention application disclosed. The Examiner indicates that the fluorescence video system includes two species wherein the camera is located inside the body, as shown in FIGURE 1A, or outside the body, as shown in FIGURE 1B. Furthermore, the Examiner indicates another further two divisions wherein the multi-mode light source depicted in FIGURE 2A or FIGURE 2B is present. Furthermore, the invention can be subdivided by the type of camera used, as shown in FIGURES 4A, 4B, 4C, 7A, or 7B. These species are further divided by whether the beam splitter of FIGURE 5A, 5B, or 5C is used. Applicants respectfully disagree with the Examiner's grouping of the species.

As correctly stated by the Examiner, the present invention can be characterized by whether the camera is located inside the body or outside the body or whether the light source used in FIGURES 2A or 2B is utilized. However, the present application describes two different camera embodiments that are by whether the camera comprises a monochrome image sensor and a low light image sensor, as shown in FIGURES 4A, 4B, 4C, or a single, low light, high sensitivity color sensor, as shown in FIGURES 7A and 7B. Beam splitters of the type shown in FIGURES 5A - 5C are not used with the single sensor camera design shown in FIGURES 7A and 7B. Applicants submit that the claims can be divided into species which read on the camera designs either shown in FIGURES 4A, 4B or 4C or on the camera shown in FIGURES 7A and 7B.

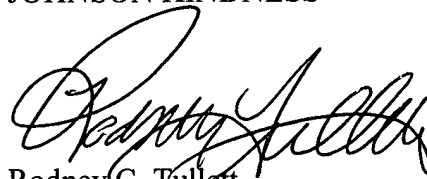
LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PLLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100

If the Examiner insists on the characterization of the species, applicants select the Examiner's species 33, as shown in FIGURES 1A, 2A, 7A, and 7B. Claims 41, 42, and 44-54 read on the elected species, if Claims 44 and 53 are amended to depend only from Claim 42. Claim 41 is generic to a camera that is to be located inside or outside the body. If Claim 41 is allowable, applicants should be able to keep Claim 58 in the application, which reads on a camera at the distal tip of the endoscope.

Prior to withdrawing the non-elected claims, it is requested that the Examiner telephone the undersigned attorney to clarify which claims are being examined.

Respectfully submitted,

CHRISTENSEN O'CONNOR
JOHNSON KINDNESS^{PLLC}



Rodney C. Tullett
Registration No. 34,034
Direct Dial No. 206.695.1730

I hereby certify that this correspondence is being deposited with the U.S. Postal Service in a sealed envelope as first class mail with postage thereon fully prepaid and addressed to the U.S. Patent and Trademark Office, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the below date.

Date:

February 23, 2004



RCT:pt

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PLLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100